



Docket No.: 066783-0144

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

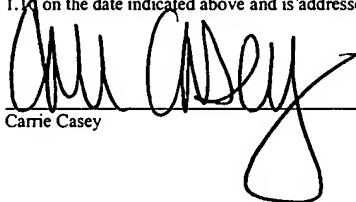
Applicant : KOEFFLER, H. Phillip, et al.  
Appl. No. : 10/756,890  
Filed : January 13, 2004  
Title : PARICALCITOL AS A  
CHEMOTHERAPEUTIC AGENT  
Grp./A.U. : 1632  
Examiner: : Not Yet Assigned

Customer No.: 41552  
Confirmation No.: 3623

CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)

"Express Mail" Mailing Label Number EV 494 142 332 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Nov 16, 2004.

  
Carrie Casey

**RESPONSE TO NOTICE  
OF MISSING PARTS OF APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Parts of Application dated April 16, 2004, submitted herewith are the following documents for filing in the above-referenced application:

1. A Copy of the Notice to File Missing Parts.
2. Declaration (which is in compliance with 37 CFR 1.63)
3. Power of Attorney for Patent Application By Assignee
4. Statutory Basic filing fee of \$790.00
5. Late Filing Fee Surcharge of \$130.00
6. Additional Claims Fee of \$808.00 (40 extra claims and 1 independent claims)
7. Petition for Extension of Time \$2,080.00

Serial No.: 10/756,890

Please charge Deposit Account No. 502624 in the amount of \$3,808.00. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

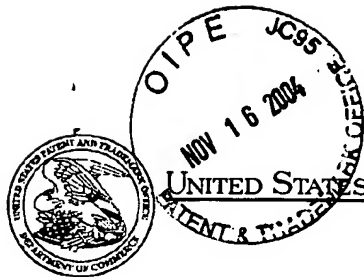
A handwritten signature in black ink, appearing to read "Deborah L. Cadena". The signature is fluid and cursive, with the first name being the most prominent.

Deborah L. Cadena  
Registration No. 44,048

4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122  
Phone: 858.535.9001 DLC:cec  
Facsimile: 858.597.1585  
**Date: November 16, 2004**

**Please recognize our Customer No. 41552  
as our correspondence address.**

SDO 21886-1.066783.0144



NOV 18 2004

Page 1 of 2

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/756,890	01/13/2004	H. Phillip Koeffler	66783-144

Cathryn Campbell  
McDERMOTT, WILL & EMERY  
7th Floor  
4370 La Jolla Village Drive  
San Diego, CA 92122

CONFIRMATION NO. 3623

## FORMALITIES LETTER



\*OC000000012374557\*

Date Mailed: 04/16/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$806 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1706 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

11/19/2004 YPOLITE1 00000071 502624 10756890
01 FC:1001 790.00 DA
02 FC:1051 130.00 DA
03 FC:1201 88.00 DA
04 FC:1202 720.00 DA

- Total additional claim fee(s) for this application is **\$806**

- **\$86** for 1 independent claims over 3.
- **\$720** for 40 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

B370  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE